

DNRC B Whitefish Area Plan B Public Meeting

May 12th, 2003 B 8:00 P.M. B Grouse Mountain Lodge

On May 12th, 2003, the Department of Natural Resources (DNRC) held a public meeting regarding the initiation of a process that will produce a land use plan for the Montana trust lands located in the vicinity of Whitefish. This initial meeting was held in order to inform the public about the plan and its purposes as well as to learn of the public's concerns regarding the current and future uses of these lands, which constitute approximately 12,000 acres.

Background

School trust lands are located throughout the state and were granted to Montana by Congress in 1889 for the specific purpose of supporting the common schools of Montana. The Trust Land Management Division of (DNRC) is responsible for generating revenue from these lands. Traditionally, revenue has been derived from the leasing of land for agriculture, grazing, timber sales, and mineral rentals and royalties. In addition, the land may be managed for Aspecial uses@ including recreation, residential, commercial and industrial. DNRC is initiating a planning process for State School Trust Lands in the vicinity of Whitefish. The process is intended to result in a land-use plan that will provide a framework for evaluating potential land uses on School Trust Lands within and adjacent to the Whitefish City-County Planning Area. The preparation of the plan is expected to take a year. Once completed, it will be submitted to the local governing bodies for inclusion in local growth policies. The plan will be broad based and will serve as a tool for DNRC to evaluate land use proposals in keeping with overall community efforts to promote thoughtful development.

Meeting Format

The meeting on May 12th was the first of a series of meetings where members of the community will be given the opportunity to participate in the overall planning program. The meeting began with a discussion of the plan's purpose and approach. Maps of the entire study area as well as of the six sub-areas were available to members of the public for review before and after the meeting. The meeting format included the following components:

\$ Welcoming Remarks B providing a general overview of the meeting and introduction of the plan and its purposes B Janet Cornish

\$ Overview of the State Trust Land Division of DNRC B David Greer, DNRC planner
David presented a Power Point slide show showing the structure of the DNRC and how the Trust Land Division fits into the Agency's organizational structure.

\$ The Mission of the Trust Land Division B Janet Cornish
The mission was presented to the public on a large poster and in a handout that was distributed to all attendees:

The goal of the Trust Land Management Division (TMLD) of the Montana Department of Natural Resources and Conservation (DNRC) is to: Manage the State of Montana's Trust Land resources to

produce revenues for the Trust beneficiaries while considering environmental factors and protecting the future income-generating capacity of the land. This mission is supported by state law (77-1-601, MCA) which states: **It is in the best interest and to the great advantage of the state of Montana to seek the highest development of state-owned lands in order that they might be placed to their highest and best use and thereby derive greater revenue for the support of the common schools, the university system, and other institutions benefiting there from, and that in so doing the economy of the local community as well as the state is benefited as a result of the impact of such development.** Further, 77-1-203, MCA provides that state lands **are utilized in that combination best meeting the needs of the people and the beneficiaries of the trust.**

It was noted that the beneficiaries of the lands located in the study area include Montana State University, Eastern and Western Montana Colleges and Montana Tech. There are also some sections that have Public Schools K-12, the Montana School for the Deaf and Blind and the Public Building fund as beneficiaries. A list of beneficiaries was provided in a large format for the public to view.

\$ Purpose of the Plan B Janet Cornish

Janet explained that the plan is being prepared to provide a framework for evaluating project proposals for uses of state trust lands. It is the intent of the DNRC, in preparing the plan, to seek public input and participation to enable the Department to address the needs and concerns of the community as well as the needs of the beneficiaries of the Trust. Public input, as well as other factors (social, environmental, infrastructure, economic and cultural) will help inform the planning process so that a range of land uses can be identified for the sections within the study area. This range of uses will be arranged in a variety of possible scenarios that will be presented to the public for their review and consideration sometime in the next few months. A specific schedule of upcoming meetings will be forthcoming. The plan will not specifically allow for any project to be implemented. Any projects that are submitted for review by DNRC will be subject to MEPA (Montana Environmental Policy Act) review and local land use regulations, as well as to review under the land use plan that is now being prepared.

The planning process has been initiated in light of increasing pressure on the DNRC to create revenue for the beneficiaries as well as to respond to an increasing number of inquiries for land use leases, permits and licenses. In order to avoid incremental or piecemeal decision-making, the DNRC would like to have a plan that will enable them to review proposed land uses according to criteria that reflects both local and state-wide concerns related to the beneficiaries. DNRC has noted that the plan is being prepared in the context of existing commitments including on-going timber sales, cabin site leases, fishing access site licenses, a DNRC operated gravel pit, a snowmobiling use license, various easements and a nine-year, on-going negotiation involving a land exchange associated with 50 acres at the north end of Whitefish Lake.

Issues and Opportunities B Richard Dill

This section of the meeting was to have been an exercise in:

- \$ Identifying the concerns** of those in attendance, regarding the future of the state trust lands in the area as well as ongoing issues that they might be aware of **B** both generally and specifically as they relate to those lands with which they are most familiar
- \$ Identifying opportunities** as to how the state trust lands in the Whitefish area might

be managed to benefit both the beneficiaries and the local area. This part of the meeting would have involved the distribution of blank index cards to participants and then having them write down issues and opportunities. Each person would then be given the opportunity to read and share what they had written on their card. However, given the large number of people in attendance and the fact that we had to conduct two meetings rather than one to accommodate all of the people, we instead asked the group to tell us their issues without going through the index card process. We were able to provide 20 minutes for issues and then we encouraged that the group ask questions for another 20 minutes. The process was repeated for the second group.

Comment Summary

People attending the public meeting expressed their desire that the trust lands in the vicinity of Whitefish continue to be available to the public for recreational access and that the planning process should recognize their value as open space. As development pressures have increased in the area, adjacent private lands have been developed for private residences and fewer areas are available for recreational purposes. Private developments that abut state land sometimes have restricted access and in some cases, private parties have obtained easements on state land to restrict access to private homes. In other cases, private lands that were once used informally for recreation are off limits. The result is less land is available and accessible for public use. Some residents in the area fear that this plan may be simply a smoke screen or perhaps a token effort to elicit public input without a commitment from DNRC to substantively respond to community concerns and needs.

Participants urged DNRC to evaluate development proposals with respect to their impacts on local infrastructure and city services, water quality, wildlife and the local recreational culture. They emphasized that the quality of life and the associated financial value of the properties in the area were enhanced by presence of these lands.

Some came to the meeting believing that the state of Montana has a land sale in the works for the Spencer Lake Area. Others were concerned that DNRC was holding another meeting the same night regarding habitat planning and the juxtaposition of the two meetings was suspicious. Many were unclear as to the purpose of the plan and were confused regarding the relationship of this planning process to the scoping component of a Montana Environmental Policy Act (MEPA) review.

Some of the participants voiced their support for the continuing management of timber resources on the state trust lands and encouraged the Department, in its timber management practices to strive to incorporate recreation values in the design of logging operations.

A number of those attending represented recreation based organizations B the Fat Tire Mountain Bike Association, the Whitefish Rifle club. Some of their members acknowledged the importance of good land management related to recreation and offered to work with DNRC to find better ways to promote and collect user fees.

Participants urge that the planning process be democratic, that information be readily available and that they be kept informed of upcoming meetings.

Individual Comments

Meeting One Comments

The DNRC should measure the one-time benefit that might be derived from the sale of lands against the long term benefit of holding the land for the benefit of future generations.

The rifle range located on the Spencer Lake section is enjoyed by 400 members of the Whitefish Rifle Club. Area development could encroach on the range presenting safety concerns and general land use conflicts.

The land planning process should be democratic, allowing for wide spread public involvement.

The agency should consider cutting its overhead rather than selling land to create more revenue. There are development issues that should be addressed. Certain uses of state lands (e.g. residential and commercial) could result in increased impacts on the infrastructure of nearby cities and towns.

The City of Whitefish should maintain its current planning jurisdiction over these lands. Flathead County is considering changing the planning jurisdictional boundaries which would put most, if not all of the state trust lands in their planning area. Currently all of the study area lands are in the Whitefish planning jurisdiction with the exception of those sections in the Stillwater and Swift Creek drainages.

Access to state lands for recreation of all types is very important.

Development proposals should be evaluated in light of the availability of water and the health of the aquifer.

The plan should emphasize less development and more open space.

Citizens are concerned that this planning process is a smoke screen and that development projects are already in the works and that ultimately money will speak louder than local concerns.

If the goal is to generate revenue for the beneficiaries, then how will open space fit into the scenario?

We should remember that there is value in maintaining the area as open space.

Article X of the Montana Constitution says that land exchanges must provide an equivalent value and size. ~~B A~~can't do it@

Logging activity can destroy existing trails. It is important to design timber sales with respect to recreational trails. Trail use and timbering can co-exist.
There is concern for endangered species.

The state's environmental laws have been weakened through recent legislative initiatives. Is this process a mindless review? How can we be assured that it will be democratic in nature?

The creation of more residential lots in the area will lead to more families coming in to the area and therefore more pressure on local schools and in turn a greater need to produce revenue.

The people in the community hold the DNRC and the state accountable for their actions.

If the lands are developed privately, few will benefit. The great good will be lost to a private good.

We don't want to see developments like Iron Horse and Whitefish Hills at Spencer lake.

We don't want to see paving of roads and the associated limitation of access.

We should explore options to do provide both recreational access and to raise revenue.

We should measure and respond to the affects of development on wildlife.

How does the revenue from these lands benefit local government?

Inflated property values in the Whitefish area are driving the need for the plan.

Those with special interests in this planning process won't be known until After the fact@

Is the DNRC hiding its intent to sell state trust lands as real estate?

Kids need recreational opportunities close to town.

DNRC notes that they are getting an increasing number of requests for permits, leases and licenses. The public should be informed of these requests and inquiries.

The community wants to maintain recreational access to these lands and to keep them as open space.

Meeting Two Comments

Existing private development in the area is blocking access to lakes.

Is this already a done deal? In other words is there already something in the works?

Public open space is important to the community.

The community is concerned that the state would consider selling this land.

We cannot lose access to these lands.

The public comes from all over the area (including by car) to use this area to walk their dogs, hike, bike, hunt, fish, etc.

The quality of living is tied to these natural resources.

Don't convert these lands to private uses.

Conservation of current uses is very important.

Areas that are gated off and/or privatized in some manner limit access so that we cannot walk or ride horses in the area.

Spencer Lake is the only area left that has public access. People can no longer get out into the woods.

There has been increased use at Spencer Lake as other lands are developed or access is limited. Users include mountain biker and others.

The DNRC should work to inform people that they need to pay for recreational uses. Local groups can help spread the word. Easily available spots to secure permits and informational signs would be helpful.

People need places for special recreation such as ramps for bikes (obstacle courses).

People are seeking recreation in greater numbers in the area.

Permits for recreational uses should be more readily available.

Perhaps there could be a drop box for fee payments for infrequent users and more information about yearly permits for those that use the area throughout the year.

There should be greater enforcement of fee payment.

If lands are sold now, there is a fear that they will never reach their full potential (future value).

The land plan strategy should address the long term.

Why is DNRC choosing to plan NOW?

As the area increases in population the land will gain value.

The land should continue in the same use **B** timber and recreation.

The funding issue for school should be addressed by the State Legislature. They failed to adequately address the needs of schools during the 2003 Legislature.

Public lands should stay in public hands.

If we lose Spencer Lake for bike use....where is it going to stop?

The new laws passed in the 2003 Legislature regarding land banking and commercial leases will make it easier for DNRC to sell and develop lands. How will this fit into the planning process?

People are scared and want more information.

People want more information, including a time line for the planning process on the Trust Land Web site.

The community wants recreation rather than second home development.

We want to maintain access and current uses.

People feel they are being priced out of the market by wealthier property owners, changing the entire culture of the area.

More people (newcomers) want to live behind a gate.

As access to water is decreased, wildlife is being impacted. There are environmental as well as social issues to consider.

If lands are sold off, there will be nothing left for the schools in the future.

How are other states in the country addressing their school trust lands?

Why did DNRC schedule two meetings on the same night (land use plan and habitat meeting).

What percentage of the Trust Funds are directed to Flathead County? (We explained how the funds are distributed.)

Twelve months is too short for the planning process.

Why is DNRC engaging in this planning process now?

How much say will the public have in the final outcome of the planning process?

Logging should be undertaken in a responsible manner.

This planning process should be coordinated with the rule making that has to occur to implement the two new laws regarding land banking and commercial leasing of school trust lands.

The watershed should be considered and the effect of development on the water quality of Whitefish Lake.

The impact of development on local services should be considered.

The uses on state land should remain the same as they are now (a number of people raised their hands to affirm this statement B a person in the group noted that 50 people raised their hands).

Is the DNRC committed to working with the local government or will they act without local government approval?

Perhaps the State could charge for recreational use on state school trust land through the state income tax.

License plate fees (such as the special license plate fee for the Bozeman open space initiative) might be directed to open space/recreational uses on state lands.

Will DNRC stay committed to this process?

General Questions

Each of the meetings provided an opportunity for the public to ask questions. Questions raised include the following: Who are the decision makers regarding this plan? Does the Land Board get involved in approving the plan? What will happen if the DNRC approves the plan and it is not adopted by the local planning jurisdictions? Will this plan be reviewed under MEPA? Are there projects that DNRC is currently considering that this plan will permit? Will DNRC follow the plan?

Attendance

Approximately 300 persons attended the meeting on May 12th, which was divided into two sessions of approximately one hour each. Participants were asked to sign an attendance list. The Friends of the Spencer and the Flathead Fat Tire Association provided us with a mailing list as well.

Written Comment

Some of those in attendance submitted written comments. Others have provided comment via e-mail following the meeting. All written and electronic comments are on file with CDS.

Other Meetings Held

During the remainder of the week, CDS met with city and county officials, members of the Flathead Fat Tire Association, the Montana Department of Fish, Wildlife and Parks, and some adjacent land owners to learn more about the issues and opportunities that are associated with the state trust lands. It is clear that local citizens are interested in identifying strategies for maintaining recreational uses on the lands close to Whitefish while meeting the needs of the trust land beneficiaries.

